

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI

Richard Angelo, MCFEE 18623-041  
(full name) (Register No.)

**17-3140-CV-S-MDH-P**

Plaintiff(s).

Case No. \_\_\_\_\_

Wade Jordan

(Full name)

Defendants are sued in their (check one):

☐ Individual Capacity

☒ Official Capacity

☐ Both

Mark Pearson

Irin Durbin

Defendant(s).

**COMPLAINT PURSUANT TO 28 U.S.C. § 1331**

I. Place of present confinement of plaintiff(s): Medical Center For Federal  
Prisoners Springfield Missouri.

II. Parties to this civil action:

Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff Richard Angelo MCFEE Register No. 18623-041  
Address Po Box 4000  
Springfield Missouri 65801-4000

B. Defendant Wade Jordan = Director of medical Department  
Mark Pearson = medical Doctor Irin Durbin = Physician -  
Is employed as Director over medical Dept - Assistant  
Medical Doctor Physician Assistant.

For additional plaintiffs or defendants, provide above information in same format on a separate page.

- III. Do your claims involve medical treatment? Yes ☒ No ☐
- IV. Do you request a jury trial? Yes ☒ No ☐
- V. Do you request money damages? Yes ☒ No ☐  
State the amount claimed? \$5,000 / 000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☒ No ☐

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution?

Yes ☒ No ☐

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

On or about 8-16-16, 8-1-16, 8-31-16, 7-31-16 9-29-16  
I Plaintiff Filed and exhausted Facility Administrative Remedies  
on 5 Different times and Facility Administration up to Regional  
and Central Office Administration fail to intervene on the medical  
Issues that Plaintiff Addressed.

D. If you have not filed a grievance, state the reasons.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VIII. Previous civil actions:

1. A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes ☐ No ☒

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes ☐ No ☒

C. If your answer is "yes," to either of the above questions, provide the following information for each case.

(1) Style: \_\_\_\_\_  
(Plaintiff) (Defendant)

(2) Date filed: \_\_\_\_\_

(3) Court where filed: \_\_\_\_\_

(4) Case Number and citation: \_\_\_\_\_

(5) Basic claim made: \_\_\_\_\_

(6) Date of disposition: \_\_\_\_\_

(7) Disposition: \_\_\_\_\_  
(Pending) (on appeal) (resolved)

(8) If resolved, state whether for:

\_\_\_\_\_  
(Plaintiff) or (defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

Do to the Space Availability on the Statement of Claim Section A I have Added 3 Attach Extra Sheets so that I will be able to state all the supporting facts in my claim

① Please See Attachment Pages 1-3 on Separate Sheets of Papers

② also I am Attaching 2 1/2 extra Sheets of Papers showing how all 3 Defendants Played A Role In the Damages Plaintiff Received

③ also I Attach Page of Plaintiff Medical History

- B. State briefly your legal theory or cite appropriate authority:

Please See Separate Pages 1 of 2 Attachments Added because of needed space I Add 2 pages extra Sheets.

Relief: State briefly exactly what you want the court to do for you. Make no legal arguments

I ASK the Courts to allow me to Proceed to Jury trial so that I can Receive Future adequate Medical Care Recovery Money Damages And Bring to the Attention of the People of the United States of America on how are Department of Justice System Fail and Continue to Delay and Denie Inmates with an adequate medical care. I also Ask the Courts to allow the Media And Any News Personnels To be Active during this whole Court process.

exhibit (C)

Attachment Page 1 of 1 of Plaintiff medical History.

Plaintiff is a 31 year old American Citizen who was Diagnosed with "Cronh's Disease" In 2001 In the State of Minnesota, Since being Diagnose with this Disease Plaintiff has under went 4 Surgeries and 1 take Down of ileostomy Bag In 2003. Do to the many Surgeries that Plaintiff has receive, Plaintiff has Suffer From A Short Bow Problem. In November of 2014 Plaintiff Receive his 4<sup>th</sup> Sergeric and was given A Second (2<sup>nd</sup>) ileostomy Bag For temporary use till Intestine healed From the resection of Plaintiff Small Bow, In June of 2015 Plaintiff Was Arrested by united States Marshalls And was charge with A Felony Poss of Firearm and was given 115 months to Serve In the Department of Justice Federal Bureau of Prisons, while Plaintiff was awaiting Transfer from Minnesota to The Springfield Medical Center For Federal Prisoners, united States Marshalls Continue treatment Plan and orders Critical medications That Plaintiff Primary Provider of 15 years order To Insure that Plaintiff Continue to have A Safe Recovery From Surgical back In November of 2014.

Upon Arrival To Medical Center for federal Prisoners Springfield Missouri, Plaintiff Arrive with all Recovery order medication, However, Defendants "Wade Jordan" and "Mark Pearson" Discontinue all of Plaintiff medication Stating to the Plaintiff We are your new Providers and we will order what we Feel is necessary To treat your Condition and Since then 2/17/17 I the Plaintiff has Continue to Struggle with all the Issues In my Claim, See State-ment of Clai-



Statements of Claim Attachment Pages 1 of 3

A)

The Defendants Violates Plaintiff 8<sup>th</sup> Amendment Constitutional Rights by not Providing adequate medical Care In A timely manner after Plaintiff Address his Serious and Critical medical Issues To Defendants. The Defendants showed deliberate Indifference to the Plaintiff by <sup>#1</sup> Not Responding To the Plaintiff Serious Complaints made through Defendants Sick Call Policies <sup>#2</sup> The Defendants Delayed and fail to treat the Plaintiff Critical and Serious medical Issues after the Defendants was made aware of the Issues and Serious Conditions that the Plaintiff was Dealing With At the time of Request For medical Attention. <sup>#3</sup> The Defendants also showed Deliberate Indifference by allowing the Plaintiff to Suffer In great Pain and weight loss For A Number of months before Defendants ~~g~~ had Plaintiff Seen by Professional Specialist Doctors which Specialize In the Areas that the Plaintiff was having Critical medical Issues In. The concerns of the Plaintiff Complaints made was Colorectal and Gastrointestinal Problems, IF you see the exhibits Provide with Dates and times you will notice that Defendants Did not allow the Plaintiff to be Seen by A Colorectal and Gastrointestinal Specialist For 6 weeks and more. The Plaintiff Filed Grievances and Administrative Remedy's Continuous Requesting to be examine by Defendants and Defendants Fail to examine the Plaintiff For months allowing Plaintiff Critical medical Issues to worsen over A 3 month time span

Statement of Claim Attachment Page 2 of 3

By the time the Defendants allowed the Plaintiff To be Seen by Gastrointestinal Doctor MR Donald Nelson Colorectal Doctor Patrick Brooks and Radiology Doctor Mr Kenneth B. Snyder From the Mercy Hospital In Springfield Missouri Damages was already Done.

The whole Point one which I am bringing this Claim to court ~~IS~~ IF Defendants Responded to the Plaintiff Complaints and Sick call Requests In A timely manner and allowed the Plaintiff to be Seen by the Specialist Consulting Doctors listed above In this Complaint In A timely manner, the Damages would have been avoided, Instead the Defendants Did not take the Plaintiff Emergency Critical and Serious medical Issues In account by allowing A Needle Size hole on the Outer Surface of the Plaintiff Stomach Grow to the Size of A 5<sup>th</sup> Neckle Con In the Matter of 21 days Defendants Continue to Denie and Delay and Fail to treat the Neckle Size hole which Cause the Plaintiff to Contract A Infectional Intestine Disease Call E-coli, after the Plaintiff Contracted Ecoli the Defendants Still Fail to allow the Plaintiff to be Seen by Specialist which then Caused the Defendant to Contract Another hole Inside the Plaintiff Inner Stomach and Intestines Area. During Early November of 2016 the Defendant allowed Plaintiff to Consult and visit with Colorectal Specialist Mr Patrick Brooks, Specialist Brooks Informs Plaintiff if he take A Risk to go In and Do the Surgerie to Remove the hole the Plaintiff will most likely →

Statement of Claim Attachment Page 3 of 3

Die From Complications do to Plaintiff Short Bow Issues and Ongoing many Surgical history,

The Plaintiff is now forced to live with A hole In his Stomach that Defendants allowed to happen while Denieing, Delaying and Failing to treat Plaintiff Critical Medical Issues. Since the Plaintiff Contracted the hole In Plaintiff Stomach and Intestine Area, The Plaintiff has Continue to Struggle with many Medical Issues which are Caused by this hole In Plaintiff Stomach And Intestine Area. The Plaintiff has been Place In A No win Situation with his Medical Condition, if Plaintiff Force Surgerie to be Done it has been told to him that he'll Mostly Die from Compucation during Surgerie and on the other hand if Plaintiff Dont have the hole Surgical Remove the Plaintiff Will Suffer in great Disconfont and Pain For the Rest of his life which mean to die Slow, Continue to Struggle From the Side Effects that the Inner hole are Causing.

Taking In Consideration, ~~the~~ all the Supporting medical Records, administrative Remedy's exhausted, findings From Specialist Doctors From Mercy Hospital In Springfield Missouri, Plaintiff Sick Call Requested on Continue Dates And times, I the Plaintiff Ask the Courts to allow me to Proceed with in Court And Bring this Case to Jury trail so that I can Receive Relief For the Damages Cause By the Defendants



# exhibit E of 1

## Attachment Pages 1 of 2 How Defendant Played A Roll In the Damages received by Plaintiff

- ① Clinical Director "Wade Jordan", This Defendant Played A Part by Denying Plaintiff to be Seen by Emergency Personnel after Defendant was made aware of Plaintiff symptoms when Plaintiff informed Defendants that he was Discharging Blood and Stool From A hole on his outer mid Stomach Area.
- ② Clinical Director "Wade Jordan" Defendant Fail to Provide the Plaintiff With Adequate medical Care In A timely manner which Caused the Plaintiff to Suffer In Great amounts of Pain and many Pounds of Weight lost.
- ③ Defendant "Wade Jordan" also Delayed Plaintiff to receive treatment which has now Place the Plaintiff In A life threatening Situation if Plaintiff Receive the Surgery needed To remove Inner hole In Plaintiff Stomach and Small Intestine Area.

Medical Doctor "Mark Pearson" Defendant Played Roll in Plaintiff Damages Receive by #① Not Coming to examine the Plaintiff after Plaintiff Sign up for Sick Call Requesting to be Seen For the needle Size hole Continue to Grow and the Discharge of Blood & Stool From the Small hole Area.

② Defendant Mark Pearson fail to Provide adequate medical Care In A timely manner by not allowing Plaintiff to be Seen by adequate Staff Specialist Doctors to handle the Emergencies Plaintiff was Currently having.

③ Defendant "Mark Pearson" also Delay and Fail to treat Plaintiff medical Issues which Caused the Plaintiff to Suffer In Great Pain and weight lost for over 50 days.



## Exhibit (E) of 2

"Attachment Page 2 of 2 How Defendant Played roll In Plaintiff Claim"  
Defendant "Mark Pearson" also fail to inquire into the facts  
Necessary to make A Professional Judgment To Plaintiff  
medical Issues And Conditions,

Defendant "Irin Durbin" Played many rolls In Plaintiff Damages  
By

- ① By not taking Serious Plaintiff Medical Issues and  
Denials and Delay in Access to Medical Personnel
- ② denied Access to Appropriate qualified health  
Care Personnel.
- ③ Failure to inquire into the facts Necessary to  
make A Professional Judgment To Plaintiff  
Medical Issues and Condition
- ④ Failure to Carry out Medical orders
- ⑤ Allowed Plaintiff to Suffer in Pain and weight lost For A  
Number of Days which weakens Plaintiff Nutritional  
levels

exhibit (F) of 1

Page 1 of 3 Attachment extra Sheets For legal theory Section B)  
of Statement of Claim.

Plaintiff 8<sup>th</sup> Amendment Constitutional Rights was violated by Defendants by not Providing the Plaintiff with adequate medical Care listed below.

A) Defendants Ignored Plaintiff Serious medical Condition without examining Plaintiff which cause denials and delayed in Access To medical Personnel

B) Defendants Denied the Plaintiff to appropriate qualified Health Care Personnel.

C) Defendants Failure to inquire into the facts necessary to make A Professional Judgment In A timely Maner.

C) Defendants Failure to Carry out medical orders From Hospital Discharge Doctors which Stated to Return Plaintiff if medical Issues worsen.

D) Defendants allowed Plaintiff to Suffer in Pain and Weight lost For A long Amount of time ~~before~~<sup>RM</sup> before allowing Plaintiff To be Seen by appropriate qualified Health Care Personnel.

Please See Supporting Case Law.

Lomombe V. Wisniewski, 266 F.3d 429 (6<sup>th</sup> Cir. 2001) Cert denied, 535 U.S. 1056 - (2002) (Failure of Surgeon to Send Patient to Specialist)

Murphy V. Walker, 51 F.3d 714, 719 (7<sup>th</sup> Cir. 1995) (two month delay <sup>In</sup> getting Prisoner with head Injury to A Doctor)

Mandel V. Doe, 888 F.2d 783, 789-90 (11<sup>th</sup> Cir. 1989) Physician's Assistant Failed To diagnose broken hip, Refuses to order X-Ray and Prevent Prisoner From Seeing A

→ Doctor).

Mittler v. Beorn, 896 F.2d 848, 853 (4<sup>th</sup> Cir, 1990) (Doctor Failed to Perform Test for Cardiac Disease in Patient with Symptoms that Called for them)

Greeno v. Dalay, 414 F.3d 645 (7<sup>th</sup> Cir, 2005) (a Prisoner is not Required to Show that he was Literally Ignored)

Estelle v. Gamble, 429 U.S. at 104; Weyant v. Okst, 101 F.3d 845, 856-57 (2<sup>nd</sup> Cir 1997) (Delay of hours in getting medical Attention for diabetic insulin Shock)

### In Closing

The Elements of an adequate medical Care System States that The Eighth Amendment requires that Prison officials Provide A System of Ready Access to adequate medical Care. Prison Officials Show deliberate Indifference to Serious medical Needs if Prisoners are unable to make their medical Problems known to the medical Staff or if the Staff is not Competent to ~~the needs which~~ <sup>Examine the Prisoner,</sup> (All 3 defendants is not Competent In feeling the medical treatment Plaintiff Required) diagnose illnesses, and then treat or refer the Patient. The Prison must also Provide An adequate System For Responding to Emergencies, (All of Plaintiff medical Issues Based In this Claim were all Emergency Situations which Became more Critical And Serious over the delayed treatment) If outside facilities and Staff are too remote or Too Inaccessible to handle emergencies within the Prison, Since the Plaintiff Medical Issues Are more Colorectal and Gastrointestinal Problems, the Defendants are not Specialize to Provide Such Care And also the Defendants facility where Plaintiff is housed At does not Provide A Daily on Staff Colorectal and Gastrointestinal Specialist, Defendants allows their Patients to be Seen by Specialist on A month or Bimonthly Basis And most Of the Consulting visits Are Done on A TV Telecommunication Site which don't allow The Specialist Providers to fully examine the Patients.

The End.



Exhibit (F)

Also See Supporting Cases

Washington v. Dugger, 860 F.Supp.2d 821 (11<sup>th</sup> Cir. 1988) (denial of treatment that could "eliminate Pain and Suffering at least temporarily).

Miller v. Schoenen, 75 F.3d 1305 (8<sup>th</sup> Cir. 1996) (Recommendation from outside Hospitals not followed)

Toussaint v. McCarthy, 801 F.2d 1080, 1112 (9<sup>th</sup> Cir. 1986) (rendering of medical services by unqualified Personnel is Deliberate Indifference)

In Reviewing all Case law Enter Starting From Exhibit F-1 through Exhibit F-3, You will see that Plaintiff Experts Precedential Cases that support Plaintiff arguments. I am showing the Courts Sufficiently Similar to the Previous Cases so that the Conclusions in those Cases should be followed in the Plaintiff Case. and I Ask that the Courts rule and decid Plaintiff case In the Same way.

## Exhibit (G)

1) Attorney I've Contacted is Attachment of Attorney I've Contacted  
American Civil Liberties Union

MR Gabe Eber

915 15<sup>th</sup> Street NW 7<sup>th</sup> Floor

Washington D.C 20005

2) Missouri Protection & Advocacy Services

925 South Country Club Drive

Jefferson City, Missouri 65109-4510

3) Robert Paule

Fisher, Bren & Sheridan LLP

920 Second Avenue South

Suite 975

Minneapolis

~~Minnesota~~ Minnesota 55402

4) Missouri State Board of Registration  
For the Healing Arts

3605 Missouri Boulevard

Po Box 4

Jefferson City, Missouri 65102-0004

5) SAIONTZ & Kirk PA

3, S. Frederick Street, Suite 900

Baltimore Maryland 21202

X. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name.

Filing Pre-se I am the Plaintiff

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☒ No ☐

If so, state the names(s) and address(es) of each lawyer contacted.

Do to limited Space, I have Attached A Extra Sheet of paper with names and Address of all Lawyers I've Contacted, I have many more name to Add However the Administration Refuses to give me my legal papers from  
C. Have you previously had a lawyer representing you in a civil action in this court? my property  
Yes ☐ No ☒

If so, state the lawyers name and address.

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this 27 day of April 2017.

Richard Angelo McFee  
Richard Angelo McFee  
(Signatures of Plaintiff(s))



Mr. Richard Angelo McFee  
 Reg # 18623-041  
 Medical Center for Federal Prisoners  
 PO Box 4000  
 Springfield Missouri 65801-4000

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